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Legislative Proceedings.

HOUSE OF ASSEMBLY.

FRIDAY, Feb. 13.

MORNING SITTING.

SUPPLY.

Hon. Mr. POPE moved, that it may be made an order of the day, for to-morrow for the House to go into Committee of Supply. Ordered accordingly.

ESTIMATES.

Hon. Mr. WARBURTON laid before the House the Estimates for 1852.

COMPENSATION TO EJECTED TENANTS.

Hon. Mr. COLES introduced a Bill to provide Compensation to ejected Tenants for their improvements. The Bill was read a first time, and its second reading ordered for to-morrow.

SEDUCTION OF FEMALES.

On motion of Mr. Palmer, the Bill to provide a summary remedy for females seduced, was read a second time, and thereupon submitted to a Committee of the whole House. Mr. CLARK in the Chair.

Mr. PALMER in explaining the principles of the Bill said, it doubtless was known to hon. members, that by the law as it existed at present, the party aggrieved has a remedy by action in the Supreme Court, brought by either the master or her parents for the loss of service, as it is termed, though so laid, it is for the benefit of the seduced, who by her own evidence can substantiate her case. But the formalities of the law, when the action is thus brought, are such as to exclude a remedy oftentimes when an injury of this nature is inflicted; for should it happen, as indeed it too frequently does, that the seduced has neither parents nor guardians to look to for protection, or having either, happens to be seduced at a time when not living in their service, or under their actual care, she is, in fact, without remedy, however pitiable or aggravated her case may be; and this because she cannot comply with the legal form of alleging and proving some petty or immaterial loss of service: thus the remedy is not within the reach of those who being so situated, most needfully require its application. The Bill was, therefore, intended to remove these technical difficulties; and to allow the action to be brought under any circumstances, in the name of the woman herself, and at the same time to give her the benefit of her own testimony, although a party to the record. It dispenses with the necessity of shewing loss of service, or any pecuniary loss, and simplifies in a material degree, the pleadings in the cause. The Bill was at the same time, he feared, not sufficiently guarded to prevent its provisions being abused: It left the credibility of the plaintiff's testimony wholly with the jury, who, notwithstanding such testimony, were not bound in law to find even nominal damages, if they thought proper. It enabled the judge to place the damages recovered in the hands of a trustee for the plaintiff, if he thought it for her interest; and the Bill itself was only to extend to actions where the damages claimed did not exceed one hundred pounds. He doubted not, therefore, that it would meet the support of the Committee. It was certainly high time, that some alteration in the law was made on the subject; as a professional man, he could say many cases had come to his knowledge, exceedingly distressing in their circumstances, owing to the present state of the law. (The hon. member here narrated some instances of extreme destitution and suffering brought upon young and unprotected women, and where their seducers, although able to alleviate it, rather mocked than attempted to relieve their misery.) The evil, too, he added, appeared to be on the increase, and in his opinion, called loudly for a remedy.

Hon. Mr. COLES was of opinion, that the Small Debts Court ought to be made available to the aggrieved parties, because if redress was to be obtained in the Supreme Court only, starvation might happen, before the sitting of the latter came round.

Mr. PALMER said, it was his intention to introduce a Bill on Bastardy before the closing of the Session, which would empower the mother to affiliate the child before a Justice of the Peace previously to confinement, as in England; this Bill would more immediately meet the extreme cases alluded to by the Hon. Mr. Coles, but would operate independant of the one now under consideration, which latter would be available to women in any class of life. He, (Mr. P.) expected many cases would occur, where parties might be in circumstances sufficiently easy to deter them from seeking a remedy intended only for the destitute, but who, nevertheless, looked more to the injury to their reputation; thought the law should provide a remedy, which the present Bill would enable them to do, and at the same time, would be a law which would apply to all. The Bill he intended to introduce respecting Bastardy, would be a mere transcript from the law of Nova Scotia, which as it had been lately revised, he had no doubt, had been found to work well.

After a few remarks from Mr. Montgomery and the Hon. Mr. Coles, the Bill was reported agreed to, and ordered to be engrossed.

BILL TO AMEND THE LAW OF EVIDENCE.

This Bill, on motion of Mr. Haviland, was read a second time, who thereupon explained its principle: It was, he said, framed from a British Statute, of which Lord Campbell was the author, and intended to be a great saving in causes tried in the Supreme Court. It had been found that where parties were obstinate, and would not produce evidence required by the plaintiff, Chancery must be resorted to, to compel them, whereby much expense was incurred; this was one thing his Bill would remedy. Another was, that masters of vessels should produce their Registers in any Court, without the delay and expense of perhaps having to send thousands of miles. Another cause of expense intended to be remedied, was where a party had been tried and acquitted, and a second indictment was brought against him, he should not be bound to be put to the expense of producing all the proceedings had in the first indictment, as is now the case. When any book or original document was required in Court, the Bill provided that a certified copy should be substituted, inasmuch that the book or other document may be wanted in several places at one and the same time. Any person or persons found guilty of certifying false documents, to be considered as having committed a misdemeanor, and held liable to be prosecuted. And if a seal is falsified, to be considered felony.

Mr. FRASER said he did not, perhaps, completely understand the Bill; as a whole he approved of some parts of it, but should like it much better, if all after the word book was struck out.

Mr. PALMER begged to inform the hon. member he need be under no fear, the Bill only contemplated public books, to shew the necessity of certified copies being as valid as the original. He might adduce many arguments, take for instance this simple one, that a book was required from the Col. Secretary's office; he might not like to lose its custody, then an expense would be incurred in calling upon him to produce the book in Court. A dozen documents might be required in one cause, and it may be necessary to go to great expense in calling witnesses from a distance to prove the mere execution of each document. In some cases the parties may not require this, but admit the signature; on the other hand, some may be obstinate and would not consent without witnesses being called, and ought, therefore, to pay the expense of their vexation. Lawyers, said the hon. member, are generally accused of producing long Bills, but it is forgotten, that great part comprises payments paid to witnesses, and other expenses, in preparing the documents to be framed.

Mr. FRASER had known copies of deeds admitted in evidence.

Mr. HAVILAND reminded the hon. member that that must have happened when the original was lost.

Mr. DAVIES agreed with the hon. member Mr. Fraser, he did not approve of sending to England for copies of deeds, they may say the copies are genuine, and yet they may be sixty years old.

Mr. DOUSE had known witnesses to be detained many days about the Court to attest signatures, and very much inconvenienced and annoyed.

Hon. Mr. COLES did not approve of copies of deeds or other documents from England, in the Island not so, because if any supposed error, the originals could at once be referred to.

Mr. HAVILAND was not wedded to the Bill, but was morally certain, that if it became law it would be found a great benefit to the Colony, and was surprised at the opposition of the hon. member for Belfast, Mr. Davies, as Lord Campbell originated the Statute, who was a great Liberal.

Mr. HAVILAND moved that the House go into a Committee of the whole.

Mr. FRASER, in amendment, moved that the House go into Committee this day six weeks.—The House divided:

AYES—Hon. Mr. Pope, and Messrs. Fraser, Laird and M'Neill —4.

NAYS—13.

The House then went into Committee—Mr. BEATON in the Chair. And the House being resumed,

The hon. SPEAKER said he must make a few remarks; any thing relative to deeds, he considered ought to be looked at with a jealous eye. Mortgages might be effected in England and not known here, and the land sold again, and the purchaser in ignorance of the mortgage existing, and he may lose his purchase. He should be glad to see expenses saved, if danger did not come in.

Mr. HAVILAND reminded the hon. Speaker that if the Mortgagee did not register his deeds, then he could not take advantage of the purchase.

Mr. SPEAKER knew the proprietors would not do so. After a short time spent in Committee, the Chairman reported progress, asked for and obtained leave to sit again.

Message from the Legislative Council, by C. Desbrisay, Esq., informing the House that the Council had passed the following Bills without amendment:—

The Bill to regulate the Sale of Arsenic and other Poisons.

The Bill to regulate the Public Advertisements, and also a Bill to incorporate the Diocesan Society, to which they desire the concurrence of the House.

Hon. Mr. COLES presented a petition from the Rev. Dr. Jenkins, relative to the last Bill, and then moved that the Bill be read a first time, which being done, its second reading was ordered for to-morrow.

Hon. Mr. COLES moved that said Bill be referred to the Committee on Private Bills, to report thereon, and it was referred accordingly.

BILL TO INCORPORATE THE GRAND DIVISION OF THE SONS OF TEMPERANCE.

On motion of Mr. Palmer, this Bill was read a third time and passed.

Hon. Mr. WARBURTON laid before the House the Blue Books for 1850.

Adjourned till 3 o'clock.

AFTERNOON SITTING.

LAW OF EVIDENCE.

HOUSE IN COMMITTEE ON MR. HAVILAND'S BILL.—Mr. BEATON in the Chair.

Mr. HAVILAND moved, that the Bill for amending the Law of Evidence be now committed to a Committee of the whole House. At this stage of the Bill, he believed it was his duty to explain to the House, the leading features of the measure he had introduced; the principal clauses therein contained, were extracted from the Act carried through the Imperial Parliament last Session, by that able Law Reformer Lord Brougham. The first clause of the proposed Bill, contemplates giving to the Supreme Court, the same power of ordering inspection of Deeds, Books, Documents, &c., as is at present exercised by the Court of Chancery, and which clause, if it should become Law, will prove a great saving of time and unnecessary expense to Suitors. The Bill also proposes, to make Certificate of Registry of British Vessels admissible as *prima facie* evidence of their contents, without proof of the signature of the officer signing the same. Another clause of the Bill is so framed, as to make a Certificate, under the hand of the Clerk of a Court of Justice, sufficient evidence of the acquittal or conviction of a person charged with a crime, without producing the whole Record. It is also provided by the Bill, that if any Public Officer certifies a false Document, he shall be guilty of a Misdemeanor. And if any party to an Action shall tender in evidence, any Deed or other Document, knowing the same to be forged or false, he shall be guilty of Felony. The last clause to the Bill has been drafted for the purpose of saving expense to Suitors in proving Deeds, and other written Instruments, where the attesting witnesses thereto are not within the Jurisdiction of the Courts of this Island. Mr. Haviland, believed, that he had stated to the House, an Epitome of the principal contents of the proposed Evidence Bill, and he had little doubt, that if the same should become the Law of the Land, it would prove a great benefit to all parties concerned in the due Administration of Justice.

Clause to provide that the Parties and the Persons in whose behalf any Suit or Action may be brought or defended, shall be compelled and be compellable to give Evidence.

Hon Mr. WHELAN wished to know, whether the honorable and learned member who had brought in the Bill, intended to introduce into it a clause similar to that in the English Statute, of which the Bill is a transcript, to authorize the examination, by Courts, of both plaintiff and defendant, and, if not, what reasons or considerations had induced him to omit it. He (Mr. Whelan) was of opinion, that its introduction would rather prove conducive than prejudicial, to the ends of justice.

Mr. HAVILAND. He had omitted it because he was afraid, that its adoption might frequently prove too strong a temptation to the crime of perjury.

Mr. PALMER was glad, that the clause had been omitted. It would be better to wait, until the experiment had a fair trial at home; when, should it have been found to be really serviceable, in the eliciting of truth and determining the course of justice, it might easily and safely be adopted here. It was by no means generally admitted at home to be good policy; and the Judges differed in opinion with respect to it. In cases of seduction, the propriety of its admissibility seemed to be very questionable: for where parties had proved to a large amount of damages, on the evidence of the plaintiff, the defendant came in, and swore point blank, that he had not been the seducer, and was not the father of the child. Such cases had caused the Judges to differ in opinion as to its policy. They had come to a conclusion to examine both parties on oath as the law directs; but to give credence to the party whose evidence was most strongly corroborated by the evidence of others, and to charge the jury accordingly. Nevertheless, the principle, was he thought, a very dangerous one, and offered too great a temptation to perjury.

Hon. Mr. WHELAN. The principle had been recognised as a just one in the Small Debts Bill; why should it not be held to be equally just with respect to the Supreme Court?

Hon. Mr. POPE. He understood, when it was admitted into the Small Debts Bill, that its adoption was to be general with respect to all the Courts. What had been stated, by the honorable member for Charlottetown, with respect to the practice of the English Judges, afforded, instead of an argument against the principle, a proof that its admission, when duly regulated, could not tend to the obstruction of justice. In the case of alleged seduction, in which the plaintiff might be a woman of abandoned character, and the defendant, a man whose general reputation was good, it would be perfectly in accordance with the principles of justice for the Court to receive his testimony in his own favour, and for the Judge, in his summing up, to shew whether, with reference to previous character, more credit were due to the defendant or to the plaintiff. The credibility of a party, in any such case, would depend upon previous reputation; and the principle, in his opinion, was therefore as admissible and defensible, on the part of the defendant, as in that of the plaintiff. The principle, he thought, was founded in reason, justice, and equity; and it would seldom, if ever, be otherwise than that corroborative evidence would aid the Court and the Jury in determining on which side the truth and justice lay. The House had been almost unanimous in allowing the admissibility of the principle in the Small Debts' Courts; and he could see no reason why it should be excluded from the higher Courts. The House had the determination of the British Parliament for their guide; and although the English judges might not all concur in opinion with respect to the policy of the principle, there was no reason to think that it had met with disfavour from the public. When it was the practice to receive the personal evidence of the plaintiff only, there could be no doubt, many a respectable man had been declared guilty of a crime of which he was perfectly innocent. If no one else would move the adoption of the principle in the Bill before the Committee, he would take the sense of the House upon it.

Hon. Mr. COLES. In his opinion, the practice might, with greater propriety and more safety, be admitted into the Supreme Court, than the Small Debts and other lower Courts; for in the former, the vigilance and dexterity of the Judge and the lawyers being constantly in operation, for the protection of truth and the detection of falsehood, by cross-questioning and sifting of evidence, perjury could not often be successful therein. But, in the lower Courts, in which, Justices and Commissioners were less versed in the art of eliciting the truth and detecting falsehood, perjury was much more likely to effect its object; and, in the Small Debts' Courts, now that the jurisdiction had been extended to £20, the temptation to its commission might be quite as frequent as in the Supreme Court.

Mr. THORNTON. Was in favour of the practical adoption of the principle in the Small Debts' Courts, because he was persuaded it would frequently promote the ends of justice, by making facts clear and manifest, which otherwise, could not have been fairly brought to light or established; and he could not think that any greater danger, with respect to perjury, could be attendant upon its introduction into the Supreme Court, than would proceed from it in the Small Debts' Courts. With respect to the propriety of allowing a man of general good character and respectability to rebut, on his oath, the testimony of an abandoned woman to his injury, there could, he thought, be but one opinion, and that quite conclusive in its favour, long as a contrary practice had been allowed to prevail. And to shew the advantages which might frequently result from it, in favour of the defendant, in other cases, such as actions of debt, he would just instance, from memory, the case of an Editor of a Newspaper *vs.* Sir William Somerville, lately determined in Dublin. It appeared, that in an action the Editor claimed about £5000, for services rendered the British Government, during the time of the apprehended raising in Ireland in '48: on his own evidence, he admitted having received about £700; but the evidence of Sir William being admitted, he proved by his testimony, corroborated by that of Lord Clarendon, and also by a letter from the Plaintiff himself to Lord John Russell, that he had been paid about £3700 which at once closed the case against the Plaintiff.

Mr. PALMER. With regard to the different opinions entertained concerning the principle, he thought, there could not possibly be one more worthy of respect, than that of the English Judges, whose experience so well qualified them to decide, what latitude it might be safe to give to the evidence of conflicting parties, when it was quite clear that that of one party must be false. They well know to what iniquitous extent, vicious and interested witnesses would go, if sufficient licence were allowed them: and as a guard against the monstrous injustice which the being allowed to give it might effect, they had consulted with one another, and determined to pursue the course which he had indicated. Even granting that the principle might, with propriety, be admitted in the business of the Small Debts' Court, it did not, from thence follow, even with respect to actions of debt, that it could be safely allowed in the Supreme Court. In the first, the highest amount in litigation, would be only £12, and the title to Land was excluded; but, in the latter, the property in dispute might be an entire township, or other property to an almost illimitable amount. The admission of the principle put the good, honest, conscientious man, upon a level with the man, destitute of all correct moral feeling, and void of all conscientious scruples. Neither of the parties might be known either to the Court or Jury; and as it was impossible to dive into the bosoms of men, and, by searching their hearts, to ascertain the falsity or correctness of their statements, credence might as likely be given to the man of no conscience, as to the man of integrity. It would, in his opinion, be much better to delay the adoption of the principle here, until the wisdom of the experiment had been confirmed by the experience of the Law Courts at home.

The Hon. the SPEAKER thought, that in some cases, it would tend to the furtherance of justice, that the evidence of the defendant on oath, should be admitted; but, that, in others, it would not. However, as it would not be easy for him to specify either the cases, with regard to which, he thought, the practice might safely be admitted, or those in which, he was of opinion, that the admission of it might be prejudicial to truth and justice; and as even if it were in his power clearly to point out all the cases in which it might be safe, as well as all in which it would be dangerous, to admit it, he could not hope to have the law so framed, as clearly to point out when it ought to be allowed and when it ought not; he would vote, with the honorable the Treasurer, for the adoption of the clause in the English Act, which establishes the practice.

Hon. Mr. WHELAN. The objections raised against the adoption of the principle, by the honorable member for Charlottetown, on the score, that it would place the honest and conscientious man, with respect to the weight of his evidence, upon the same level with the dishonest and unscrupulous, was not at all in point; for it was quite as applicable to opposing witnesses who were not principals, as to principals if admitted to give evidence themselves; and the rule by which to determine to which party the greater degree of credibility should attach, would, in the one case, be exactly what it was in the other,—to consider the comparative respectability, as to character of the conflicting parties, if known; and the amount of corroborative evidence, on each, or either side, if any. He did not think, there was any force or effect in the objections of the hon. member (Mr. Palmer.)

Mr. HAVILAND. He had from the first been strongly inclined to adopt the Clause in question, as being persuaded of the equity of the principle; but he had hesitated to act with respect to it upon his own judgment, lest he should render himself obnoxious to the curses of those who might become liable to a prosecution for the Crime of Perjury; but as he was now fortified in his judgment by the concurrent opinion of honorable members, he would vote for its introduction into the Bill.

It was then agreed, that the Clause in question, from the English Statute, should be introduced into the Bill.

SATURDAY 14th.

MORNING SITTING.

DIOCESAN SOCIETY INCORPORATION BILL.—Mr. FRASER, as Chairman of the Committee on Private Bills, reported in favor of this Bill and recommended the remission of the usual fees.

HOUSE IN COMMITTEE ON THE COMPENSATION TO EJECTED TENANTS BILL.—Mr. BEATON in the chair.

Hon. Mr. COLES stated, the Bill was the same which was before the House in its last Session, with the exception of a few alterations in the detail, which had been made, in pursuance of the suggestions of some hon. member when the House was in Committee thereon, and in the propriety of which, the House appeared generally to concur. He hoped no opposition would now be made to the measure, for it was one of vital importance to the interest of the tenantry, and consequently to the general well-being of the Colony. It was intended to afford the tenantry that fair protection and encouragement, without which it could scarcely be expected they could, with sufficient spirit and determination, contend against the many difficulties they had to encounter in the clearing and improving of their farms.

The hon. member (Mr. C.) also, as the Bill progressed, explained the nature of each clause, upon none of which was opposition offered, till the clause providing that either landlord or tenant should have the power to appeal to the Supreme Court, in the case of feeling aggrieved by the Award of the Arbitrators, when

Mr. MOONEY disapproved of the provision, as being likely to take out the cream and marrow of the Bill, observing that a tenant stood little chance of contending against his landlord in Court.

Mr. M'NEILL was of the same opinion as his hon. colleague, and believed that, in nine cases out of ten, the tenant would be unsuccessful as against the proprietor in court.

Mr. WIGHTMAN thought, as the arbitrators were to be chosen by each party, that an appeal was unnecessary, and he must say, he could not but think a tenant would not be in a situation to compete with his landlord. For this reason he wished to see the award of the arbitrators made final.

Hon. Mr. POPE approved of the clause. The tenant should be protected by all just means; too much caution could not be used to keep him in possession of his property till he received a just compensation and that was the great aim and object of the Bill. He was of opinion, that reference in case of dispute ought to be allowed, and that the dispute should be subject to the strictest scrutiny. He did not think the observation offered had been in point.

Mr. MOONEY considered he had as good a right to give his opinion as the hon. the Treasurer himself. He was pretty certain, from his knowledge of the matter, the tenants would put up with almost any injustice from their landlords, sooner than run the risk of going to law, where they stood so little chance of redress against the power of the landlords.

Mr. HAVILAND did not rise for the purpose of saying which way he intended to vote, but to say he was surprised at the opposition of hon. members. There must be an appeal allowed to the tenant, as well as to the landlord, but if the award was founded in equity, it would not be requisite to apply to the Supreme Court. The hon. member who had just sat down, seemed to insinuate that a tenant could not obtain justice in the Supreme Court. To convince the hon. member how completely erroneous his opinion was, he need only remind him that in the very last Court, out of three cases, two were given in favor of the tenant.

Mr. WIGHTMAN conceived it would be very hard to compel a poor man to go into Court, and would much prefer some other remedy being provided.

Hon. Mr. COLES replied to the fears expressed about the tenants not getting justice in the Supreme Court, that if there had ever been wrong committed there, Responsible Government would prevent it in future. Appeal must be had somewhere, and he saw no other so fitting, as that provided for in the clause under consideration. If the award was made final, then he thought the tenant would stand a much worse chance. He was glad to see so little opposition and none from the proprietors' agents, several of whom were present.

Mr. MONTGOMERY said the clause protected the tenant equally with the landlord. The Bar would protect the tenant interest as much as that of the proprietors; but it appeared some hon. members wished to legislate for the tenant only.

Mr. MOONEY would be sorry to say, that the Judges of the Supreme Court or the gentlemen of the Bar were a corrupt class of men. He said no such thing, although some hon. members would wish to make him say so. The fault he had to the Supreme Court was, that the tenant had not the means at his disposal to contend against the landlord.

Mr. LAIRD expressed himself of the same opinion as the hon. member as to the little chance a tenant would have in contending with his landlord.

Hon. Mr. WARBURTON said such a provision as was contained in the clause was necessary. The Court must be appealed to, before the proceedings for the ejectment of a tenant commenced, and the matter would not be taken out of court, till the award of the arbitrators had been determined. There was no fear but that justice would be done to both landlord and tenant.

Hon. Mr. POPE observed, that the idea of the hon member for the second district of Queen's County relative to a fresh choice of arbitrators was impracticable; for choosing and choosing again might continue, till there should be no end to it. The arbitrators might be chosen by each party, and if they abide by the rule laid down, and did their duty, it was not likely that the court would set its face against their award: it was not so corrupt as that. There must be a tribunal to appeal to, and the Supreme Court was the proper one. He had no doubt but care would be taken that one had no advantage over the other.

Mr. DAVIES was not afraid of leaving the matter to the judgment of the Court. What he dreaded most was that it might be put off from Court to Court, as was too often the case, and such procrastination a poor man would find most inconvenient. Perhaps if second arbitrators were chosen, their award would not be final.

Mr. MOONEY thought that a decision by arbitrators would be binding: it ought to be so at any rate. He did not want to protect the tenant only, or to endeavor to get passed any unjust law to uphold his popularity, but he considered he had as much right as the hon. member for Prince County (Mr. Montgomery) to give his opinion, which he considered as good as his at any time. What he wanted was that the arbitration should be made final.

Mr. MONTGOMERY explained that, what he had before said was that the tenant would be protected as much as the landlord, and that he considered the Supreme Court to be the proper place of appeal, particularly as large amounts might have to be decided on.

Mr. HAVILAND must correct the hon. member for the second district of Queen's County, (Mr. Mooney.) The setting aside of the awards of arbitrators was almost of daily occurrance in the old country and very properly. Suppose, said the hon. member, that a witness said, a certain property was worth £300 and the award by the arbitrators under this Bill should be only £50, the hon. member surely would not contend that that was right, and that no appeal ought to be allowed. A remedy must be restorted to, to reconcile disputes, and the Supreme Court must be the most legitimate source.

Mr. THORNTON could not designate the opposition to the clause as any thing less than sheer ridiculousness. What could be more fair, than the provision that each party should choose his own arbitrator; that then, in case of dispute, a third should be called in: and that if the case should still remain unsatisfactory, a reference should decide. He could not see that any course more proper could be adopted than that laid down in the clause. If hon. members did not approve of the remedy being in the Supreme court, why did they not come forward with some amendment, some plan to meet their views; but nothing of the kind was proposed. He (Mr. T.) could not think that the opponents were really serious in insinuating that the door of the Supreme Court was not open to justice, or that the Bar and Judges could not be confided in.

Hon. Mr. COLES said, the hon. member for the second district of Queen's County seemed very hard to be convinced by the House, that the award of arbitrators in all cases was not binding. Perhaps the law made and provided upon the subject would have more weight with him—he would therefore read him the law which must satisfy him.

Mr. MOONEY replied, that whatever the law might be, he could not but think that, in this case, the arbitration ought to be made final.

Messrs. FRASER, MONTGOMERY, and CLARK, concluded the debate; when, on motion the Chairman reported the Bill agreed to.

On motion the question being about to be put from the chair, that it be engrossed, Mr. MOONEY moved that it be recommitted in order to make the arbitrators' award final. No seconder being found and the question being put on its being engrossed. Mr. Mooney divided the House, when the hon. member stood alone. The Bill was then ordered to be engrossed.